

J

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JAN 23 2008

NR

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

CHRISTOPHER GROOMS,
EDDIE BRANTLEY,
STANLEY HUNTER,
UYLONDA HENDERSON, and
ALLISAH LOVE

Plaintiffs,

v.

CITY OF CHICAGO POLICE
OFFICERS DAVID TENCZA, #9203,
MICHELLE WANTUCK, #19973,
SERGEANT JOHN LEE, #909, and
THE CITY OF CHICAGO,

Defendants.

Case No. 07 C 6176

Judge Andersen

Magistrate Judge Valdez

Jury Demanded

**PLAINTIFFS MOTION FOR EXTENSION OF TIME TO FILE AMENDED
COMPLAINT**

Plaintiffs Christopher Grooms, Eddie Brantley, Stanley Hunter, Uylonda Henderson and Allisah Love, currently pro se plaintiffs, hereby move this Court for entry of an order granting their motion for an extension of time to file amended complaint. In support of this request, and in response to Defendant's motion, Plaintiffs state as follows:

1. Plaintiffs motion to amend complaint is paramount, in order to include the incident of retaliation against Plaintiff Allisah Love, which took place on November 20, 2007; and now adds six more Defendants in this case, for which their information must be obtained: City of Chicago Police Officers Houston, Fisher, Glenn, Sutter and McMahon, and an Officer named Powell.

2. The Off-duty Police Officer who identified himself as "Officer Muhammad" the evening of the incident of November 20th, 2007 had given Plaintiff Allisah Love a phony name. On November 29, 2007, via a follow up phone call to the City of Chicago Auto Pound at 10301 South Doty Avenue; this Off-duty Police Officer was later identified to be "Officer Powell" by a manager on duty named Ben.

3. Plaintiff Allisah Love filed a Freedom of Information Request through the City of Chicago Police Department on December 6, 2007 to obtain the star numbers of City of Chicago Police Officer McMahon and Officer Powell.

4. On January 14, 2008, Plaintiff Allisah Love received via U.S. mail, notice of denial of the above Freedom of Information request by the City of Chicago Department of Police. (See Plaintiff Exhibit IV)


5. In order to amend their complaint and name the defendants appropriately, Plaintiffs need more time to secure the information needed.

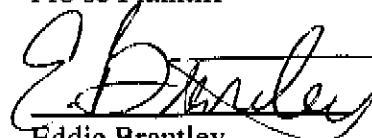
6. Plaintiffs are currently seeking reconsideration of their In Forma Pauperis Petitions filed in November of 2007, as well as the appointment of counsel by this honorable court.

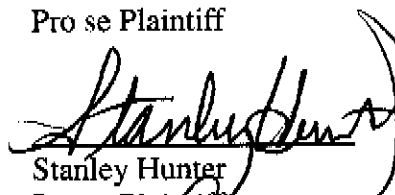
7. Should reconsideration of Plaintiffs In Forma Pauperis Petitions and Plaintiffs request for appointment of counsel be granted by this honorable court, Plaintiffs will then give the responsibility of amending their complaint to the attorney appointed to represent them; someone more capable and versed in law.


WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that this Honorable Court grant Plaintiffs motion for an extension of time to file amended complaint.


Respectfully Submitted,

By: 
Christopher Grooms
Pro se Plaintiff


Eddie Brantley
Pro se Plaintiff


Stanley Hunter
Pro se Plaintiff


Uylonda Henderson
Pro se Plaintiff


Allisah Love
Pro se Plaintiff

Christopher Grooms
P.O. Box 490136
Chicago, Illinois 60649
(312) 420-5053

Eddie Brantley
1110 W. 50th Street, Apt. NN
Chicago, Illinois 60609
(773) 253-8716

Stanley Hunter
5001 S. Morgan
Chicago, Illinois 60609
(773) 678-9073

Uylonda Henderson
1110 W. 50th Street, Apt. NN
Chicago, Illinois 60609
(312) 476-0773

Allisah Love
P.O. Box 4853
Chicago, Illinois 60680
(312) 756-9329

SERVICE LIST

Ms. Julia S. Bruce
Assistant Corporation Counsel
30 N. LaSalle Street
Suite 1400
Chicago, Illinois 60602

David J. Seery
Chief Assistant Corporation Counsel
30 North LaSalle Street
Room 1020
Chicago, Illinois 60602

CERTIFICATE OF SERVICE

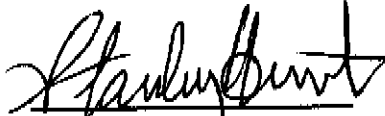
We hereby certify that we have caused to be sent by U.S. Mail and/or hand delivery, a true and correct copy of Plaintiffs Motion for Extension of Time to File Amended Complaint, to the Defendants listed at the addresses shown on the attached service list on this 23rd day of January, 2008.



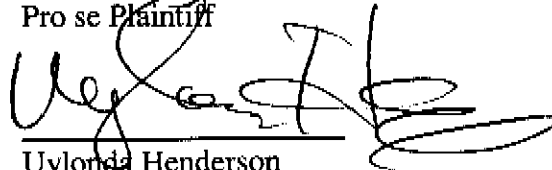
Christopher Grooms
Pro se Plaintiff



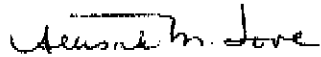
Eddie Brantley
Pro se Plaintiff



Stanley Hunter
Pro se Plaintiff



Uylonda Henderson
Pro se Plaintiff



Allisah Love
Pro se Plaintiff

EXHIBIT IV



Richard M. Daley
Mayor

Department of Police • City of Chicago
3510 S. Michigan Avenue • Chicago, Illinois 60653

Jody P. Weis
Superintendent of Police

January 10, 2008

Allisah M. Love
P.O. Box 4853
Chicago, IL 60680

Re: NOTICE OF DENIAL OF PUBLIC RECORDS
REQUEST DATE: December 6, 2007
FOIA FILE NO.: 07-1799

Dear Ms. Love:

The Chicago Police Department is in receipt of your three-part Freedom of Information Act (FOIA) request for:

1. Directives regarding interviewing witnesses for CR investigations.
2. Star numbers for Police Officer Powell (who worked off duty at the City of Chicago Auto Pound on Nov. 20, 2007, after 6 p.m.) and Captain McMahon (4th District Police Station).
3. Copy of complaints: Log #1011098 and Log#1011438.

Your request was reviewed by the undersigned. It was determined that your request must be denied. In regard to part one of your request, it was determined that the Department does not maintain any record responsive to your request. The correct repository for such records is the Independent Police Review Authority, their contact information is enclosed. This denial is based upon Section 5 ILCS 140/1, which reads as follows:

"This Act is not intended to create an obligation on the part of any public body to maintain or prepare any public record which was not maintained or prepared by such public body at the time when this Act becomes effective, except as otherwise required by applicable local, State or Federal Law."

In regard to part two of your request, it was determined that the Department could not identify the star numbers for the Police Officer or Captain listed above.

In regard to part three of your request, it was reviewed by the undersigned and by the Department's Internal Affairs Division. It was determined that your request must be denied. Specifically, Complaint Records, including all investigative records are exempt from disclosure under the following paragraphs of the Illinois Freedom of Information Act:

5 ILCS 140/7 (1)(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. Information exempted under this subsection (b) shall include but is not limited to:

- (ii) Personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;
- (v) information that reveals the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies;

5 ILCS 140/7 (1)(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

- (ii) interfere with pending administrative enforcement proceedings conducted by any public body;
- (iii) deprive a person of a fair and impartial hearing;
- (iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;
- (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, observation or investigation of incidents of crime or misconduct;
- (vi) constitute an invasion of personal privacy under subsection (b) of this Section;
- (vii) endanger the life or physical safety of law enforcement personnel or any other person;

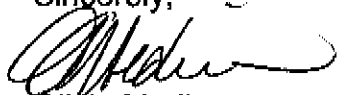
To the extent that this is a denial of your request, you may file a written appeal of this denial with the Superintendent of Police at the following address:

Superintendent of Police
Attention: Office of Legal Affairs
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

If I may be of any further assistance, you may contact me at (312)745-5308 or by mail at the following address:

Chicago Police Department
Attention: Freedom of Information - Unit 163
Records Inquiry and Customer Service Section
3510 South Michigan Avenue, Room 1027 SE
Chicago, Illinois 60653

Sincerely,

A handwritten signature in black ink, appearing to read 'Olivia Medina', is written over the printed name.

Olivia Medina
Public Information Officer
Department of Police
Records Services Division